

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M-49633-2017 (O&M)

Gurwinder Kaur ... Petitioner

Vs.

State of Punjab and another ... Respondents

2. CRM-M-9172-2016 (O&M)

Pretty @ Simpy and another ... Petitioners

Vs.

Hardeep Singh ... Respondent

Date of Decision: 19.12.2018

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. R.S. Sekhon, Advocate.
Ms. Rajni Gupta, Sr. D.A.G. Punjab.
Mr. Sarabjit Singh, Advocate.

JAISHREE THAKUR, J. (Oral)

By this common order, both the aforementioned criminal miscellaneous petitions shall be decided together being arising out of a matrimonial dispute.

Both the parties have filed these petitions under Section 482 of the Code of Criminal Procedure for quashing of FIR No.17 dated 20.01.2010 registered under Sections 406/498-A/34 IPC at Police Station Nakodar, District Jalandhar as well as Criminal Complaint No.104/1/14 dated 28.04.2014 titled 'Hardeep Singh v. Pretty and others' under Sections 420, 465, 467, 468, 471 and 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Nakodar as well as summoning order dated 5.12.2015 and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-3).

Both the aforementioned FIR and complaint have been registered as version and cross-version arising out of a matrimonial dispute.

However, now with the intervention of respectable persons, the matter has

been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the directions, a report has been received from Sub Divisional Judicial Magistrate, Nakodar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned State counsel on instructions from the Investigating Officer and learned counsel for the parties admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of FIR as well as DDR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others v. State of Punjab and**

another, (2014) 6 SCC 466, this petition is allowed and FIR No.17 dated 20.01.2010 registered under Sections 406/498-A/34 IPC at Police Station Nakodar, District Jalandhar as well as Criminal Complaint No.104/1/14 dated 28.04.2014 titled “Hardeep Singh v. Pretty and others” under Sections 420, 465, 467, 468, 471 and 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Nakodar as well as summoning order dated 5.12.2015 and all subsequent proceedings arising out of the same are quashed.

The petitions stand disposed of.

(JAISHREE THAKUR)
JUDGE

19.12.2018
rajeev

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**